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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent joi is

| joint inventor (if plural is sought on the invention | | the subject matter which is claim | iicu and for | Amen a pateri |
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| the specification of which | - | | | |
| X is attacl | ned hereto. d on (MM/DD/YYYY) United States Application or PCT International Appl | Number | | |
| including the claim(s), that the claimed invent thereof, or patented or more than one year pricin public use or on sale know or believe that thefore the date of this filed by me or my legal or six months (for a desired lacknowledge the duty). | as amended by any amendation was ever known or undescribed in any printed or to this application. I do not in the United States of American in any country 1 representatives or assign patent application) printed by any amendation in any country 1 representatives or assign patent application) printed to the printed by any amendation any printed to the printed by any amendation any printed to the printed by any amendation and the printed by any printed | on known to me to be material to | nerica before my invent the claimed to this application of the control of the con | e my invention ation thereof or I invention was cation, nor do I ertificate issued an application ent application) |
| I hereby claim foreign | priority benefits under Title | le 35, United States Code, Section e listed below and have also ideaving a filing date before that contact that contact in the section is a section of the s | entified bei | ow any toreign |
| Prior Foreign Application(s) | | | Priority <u>Claimed</u> | |
| (Number) | (Country) | (Foreign Filing Date) | Yes N | lo |
| (Number) | (Country) | (Foreign Filing Date) | Yes N | 10 |
| (Number) | (Country) | (Foreign Filing Date) | Yes N | No |
| Attorney Docket No.: 42390P13563 -1- | | 1- | INTEL COR | RPORATION |

Application Serial No.: Not yet assigned

Rev. 12/17/01 (D3 INTEL)

Each Inventor: Please Sign and Date Below:

1/29 , 20 <u>01</u>

Name Youzhi E. Xu

Each Inventor: Please also list the date that you signed the accompanying DECLARATION AND POWER OF ATTORNEY:

1/29 , 20 02

APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

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Application Serial No.: Not yet assigned